

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

No. 99-569V

Filed: February 16, 2007

Not for Publication

DANEKA NOELANI WHEATLEY, by
MARILYN L. WHEATLEY, parent and
natural guardian,

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Petitioner,

Attorney Fees and Costs

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

DECISION AWARDING ATTORNEY FEES AND COSTS¹

Vowell, Special Master:

On August 30, 2006, I issued a decision in this case denying the petition for compensation. Judgment was entered on September 18, 2006.

On February 7, 2007, petitioner filed an application for attorney fees and costs requesting attorney fees in the amount of \$6,223.75, attorney costs in the amount of \$134.24, and the filing fee of \$120.00. On February 15, 2007, respondent filed a status report that informed the court that he had no objections to the amounts requested in the Application for Attorneys' Fees and Costs.

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable

¹ Petitioner is reminded that, pursuant to 42 U.S.C. §300aa-12(d)(4) and Vaccine Rule 18, she has 14 days to request redaction of material in this decision that "would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b)(2).

and appropriate. Accordingly, I hereby award a lump sum of \$6,477.99² in the form of a check payable jointly to petitioner and petitioner's counsel, Clifford Shoemaker, for petitioner's attorney fees and costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/ Denise K. Vowell
Denise K. Vowell
Special Master

² This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally, Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

³ Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. *See Vaccine Rule 11(a)*.